

House Engrossed Senate Bill

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 211

SENATE BILL 1415

AN ACT

AMENDING SECTIONS 1-215 AND 39-121.01, ARIZONA REVISED STATUTES; RELATING TO
PUBLIC RECORDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 1-215, Arizona Revised Statutes, is amended to
3 read:

4 1-215. Definitions

5 In the statutes and laws of the state, unless the context otherwise
6 requires:

7 1. "Action" includes any matter or proceeding in a court, civil or
8 criminal.

9 2. "Adopted rule" means a final rule as defined in section 41-1001.

10 3. "Adult" means a person who has attained the age of eighteen years.

11 4. "Alternative fuel" means:

12 (a) Electricity.

13 (b) Solar energy.

14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of
15 hydrogen with liquefied petroleum or natural gas that complies with either
16 of the following:

17 (i) Is used in an engine that is certified to meet at a minimum the
18 United States environmental protection agency low emission vehicle standard
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

20 (ii) Is used in an engine that is certified by the engine modifier to
21 meet the addendum to memorandum 1-A of the United States environmental
22 protection agency.

23 (d) Only for vehicles that use alcohol fuels before August 21, 1998,
24 alcohol fuels that contain not less than eighty-five per cent alcohol by
25 volume.

26 (e) A combination of at least seventy per cent alternative fuel and
27 no more than thirty per cent petroleum based fuel and that operates in an
28 engine that meets the United States environmental protection agency low
29 emission vehicle standard pursuant to 40 Code of Federal Regulations section
30 88.104-94 or 88.105-94 and is certified by the engine manufacturer to consume
31 at least seventy per cent alternative fuel during normal vehicle operations.

32 5. "Bribe" signifies anything of value or advantage, present or
33 prospective, asked, offered, given, accepted or promised with a corrupt
34 intent to influence, unlawfully, the person to whom it is given in that
35 person's action, vote or opinion, in any public or official capacity.

36 6. "Child" or "children" as used in reference to age of persons means
37 persons under the age of eighteen years.

38 7. "Clean burning fuel" means:

39 (a) An emulsion of water-phased hydrocarbon fuel that contains not
40 less than twenty per cent water by volume and that complies with any of the
41 following:

42 (i) Is used in an engine that is certified to meet at a minimum the
43 United States environmental protection agency low emission vehicle standard
44 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

1 (ii) Is used in an engine that is certified by the engine modifier to
2 meet the addendum to memorandum 1-A of the United States environmental
3 protection agency.

4 (iii) Is used in an engine that is the subject of a waiver for that
5 specific engine application from the United States environmental protection
6 agency's memorandum 1-A addendum requirements and that waiver is documented
7 to the reasonable satisfaction of the department of commerce energy office.

8 (b) A diesel fuel substitute that is produced from nonpetroleum
9 renewable resources if the qualifying volume of the nonpetroleum renewable
10 resources meets the standards for California diesel fuel as adopted by the
11 California air resources board pursuant to 13 California code of regulations
12 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel
13 substitute meets the registration requirement for fuels and additives
14 established by the environmental protection agency pursuant to section 211
15 of the clean air act as defined in section 49-401.01 and the use of the
16 diesel fuel substitute complies with the requirements listed in 10 Code of
17 Federal Regulations part 490, as printed in the federal register, volume 64,
18 number 96, May 19, 1999.

19 8. "Corruptly" imports a wrongful design to acquire or cause some
20 pecuniary or other advantage to the person guilty of the act or omission
21 referred to, or to some other person.

22 9. "Daytime" means the period between sunrise and sunset.

23 10. "Depose" includes every manner of written statement under oath or
24 affirmation.

25 11. "Federal poverty guidelines" means the guidelines as updated
26 annually in the federal register by the United States department of health
27 and human services.

28 12. "Grantee" includes every person to whom an estate or interest in
29 real property passes, in or by a deed.

30 13. "Grantor" includes every person from or by whom an estate or
31 interest in real property passes, in or by a deed.

32 14. "Includes" or "including" means not limited to and is not a term
33 of exclusion.

34 15. "Inhabitant" means a resident of a city, town, village, district,
35 county or precinct.

36 16. "Issue" as used in connection with descent of estates includes all
37 lawful, lineal descendants of the ancestor.

38 17. "Knowingly" imports only a knowledge that the facts exist that
39 bring the act or omission within the provisions of the statute using such
40 word. It does not require any knowledge of the unlawfulness of the act or
41 omission.

42 18. "Magistrate" means an officer having power to issue a warrant for
43 the arrest of a person charged with a public offense and includes the chief
44 justice and judges of the supreme court, judges of the superior court,
45 justices of the peace and police magistrates in cities and towns.

1 19. "Majority" or "age of majority" as used in reference to age of
2 persons means the age of eighteen years or more.

3 20. "Malice" and "maliciously" import a wish to vex, annoy or injure
4 another person, or an intent to do a wrongful act, established either by
5 proof or presumption of law.

6 21. "Mentally ill person" includes an idiot, an insane person, a
7 lunatic or a person non compos.

8 22. "Minor" means a person under the age of eighteen years.

9 23. "Minor children" means persons under the age of eighteen years.

10 24. "Month" means a calendar month unless otherwise expressed.

11 25. "Neglect," "negligence," "negligent" and "negligently" import a
12 want of such attention to the nature or probable consequence of the act or
13 omission as a prudent man ordinarily bestows in acting in his own concerns.

14 26. "Nighttime" means the period between sunset and sunrise.

15 27. "Oath" includes affirmation or declaration.

16 28. "Peace officers" means sheriffs of counties, constables, marshals,
17 policemen of cities and towns, commissioned personnel of the department of
18 public safety, peace officers who are appointed by a multi-county water
19 conservation district and who have received a certificate from the Arizona
20 peace officer standards and training board, police officers who are appointed
21 by community college district governing boards and who have received a
22 certificate from the Arizona peace officer standards and training board and
23 police officers who are appointed by the Arizona board of regents and who
24 have received a certificate from the Arizona peace officer standards and
25 training board.

26 29. "Person" includes a corporation, company, partnership, firm,
27 association or society, as well as a natural person. When the word "person"
28 is used to designate the party whose property may be the subject of a
29 criminal or public offense, the term includes the United States, this state,
30 or any territory, state or country, or any political subdivision of this
31 state that may lawfully own any property, or a public or private corporation,
32 or partnership or association. When the word "person" is used to designate
33 the violator or offender of any law, it includes corporation, partnership or
34 any association of persons.

35 30. "Personal property" includes money, goods, chattels, dogs, things
36 in action and evidences of debt.

37 31. "Population" means the population according to the most recent
38 United States decennial census.

39 32. "Process" means a citation, writ or summons issued in the course
40 of judicial proceedings.

41 33. "Property" includes both real and personal property.

42 34. "Real property" is coextensive with lands, tenements and
43 hereditaments.

44 35. "Registered mail" includes certified mail.

1 36. "Seal" as used in reference to a paper issuing from a court or
2 public office to which the seal of such court or office is required to be
3 affixed means the AN impression OF THE SEAL on that paper, ~~and the AN~~
4 impression of the seal affixed to that paper by a wafer or wax, A STAMPED
5 SEAL, A PRINTED SEAL, A SCREENED SEAL OR A COMPUTER GENERATED SEAL.

6 37. "Signature" or "subscription" includes mark, if a person cannot
7 write, with the person's name written near it and witnessed by a person who
8 writes the person's own name as witness.

9 38. "State" as applied to the different parts of the United States,
10 includes the District of Columbia, this state and the territories.

11 39. "Testify" includes every manner of oral statement under oath or
12 affirmation.

13 40. "United States" includes the District of Columbia and the
14 territories.

15 41. "Vessel", as used in reference to shipping, includes ships of all
16 kinds, steamboats, steamships, barges, canal boats and every structure
17 adapted to navigation from place to place for the transportation of persons
18 or property.

19 42. "Wilfully" means, with respect to conduct or to a circumstance
20 described by a statute defining an offense, that a person is aware or
21 believes that the person's conduct is of that nature or that the circumstance
22 exists.

23 43. "Will" includes codicils.

24 44. "Workers' compensation" means workmen's compensation as used in
25 article XVIII, section 8, Constitution of Arizona.

26 45. "Writ" signifies an order or precept in writing issued in the name
27 of the state or by a court or judicial officer.

28 46. "Writing" includes printing.

29 Sec. 2. Section 39-121.01, Arizona Revised Statutes, is amended to
30 read:

31 39-121.01. Definitions; copies; printouts or photographs of
32 public records; examination by mail

33 A. In this article, unless the context otherwise requires:

34 1. "Officer" means any person elected or appointed to hold any
35 elective or appointive office of any public body and any chief administrative
36 officer, head, director, superintendent or chairman of any public body.

37 2. "Public body" means the state, any county, city, town, school
38 district, political subdivision or tax-supported district in the state, any
39 branch, department, board, bureau, commission, council or committee of the
40 foregoing, and any public organization or agency, supported in whole or in
41 part by funds MONIES from the state or any political subdivision of the
42 state, or expending funds MONIES provided by the state or any political
43 subdivision of the state.

44 B. All officers and public bodies shall maintain all records,
45 including records as defined in section 41-1350, reasonably necessary or

1 appropriate to maintain an accurate knowledge of their official activities
2 and of any of their activities which are supported by funds MONIES from the
3 state or any political subdivision of the state.

4 C. Each public body shall be responsible for the preservation,
5 maintenance and care of that body's public records and each officer shall be
6 responsible for the preservation, maintenance and care of that officer's
7 public records. It shall be the duty of each such body to carefully secure,
8 protect and preserve public records from deterioration, mutilation, loss or
9 destruction, unless disposed of pursuant to sections 41-1347 and 41-1351.

10 D. Subject to the provisions of section 39-121.03:

11 1. Any person may request to examine or be furnished copies, printouts
12 or photographs of any public record during regular office hours OR MAY
13 REQUEST THAT THE CUSTODIAN MAIL A COPY OF ANY PUBLIC RECORD NOT OTHERWISE
14 AVAILABLE ON THE PUBLIC BODY'S WEBSITE TO THE REQUESTING PERSON. THE
15 CUSTODIAN MAY REQUIRE ANY PERSON REQUESTING THAT THE CUSTODIAN MAIL A COPY
16 OF ANY PUBLIC RECORD TO PAY IN ADVANCE FOR ANY COPYING AND POSTAGE CHARGES.
17 The custodian of such records shall PROMPTLY furnish such copies, printouts
18 or photographs and may charge a fee if the facilities are available, except
19 that public records for purposes listed in section 39-122 shall be furnished
20 without charge.

21 2. If the custodian of a public record does not have facilities for
22 making copies, printouts or photographs of a public record which a person has
23 a right to inspect, such person shall be granted access to the public record
24 for the purpose of making copies, printouts or photographs. The copies,
25 printouts or photographs shall be made while the public record is in the
26 possession, custody and control of the custodian thereof OF THE PUBLIC RECORD
27 and shall be subject to the supervision of such custodian.

28 E. ACCESS TO A PUBLIC RECORD IS DEEMED DENIED IF A CUSTODIAN FAILS TO
29 PROMPTLY RESPOND TO A REQUEST FOR PRODUCTION OF A PUBLIC RECORD.


THIS BILL HAVING REMAINED WITH THE GOVERNOR FIVE DAYS, SUNDAYS EXCLUDED,
AND THE LEGISLATURE BEING IN SESSION, IT HAS BECOME A LAW THIS 13 DAY
OF MAY 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2002.

Passed the Senate March 27, 20 02

by the following vote: 30 Ayes,

0 Nays. 0 Not Voting


President of the Senate

Charmine Ballington
Secretary of the Senate

This Bill was received by the Governor this

at _____ o'clock _____ M.

Secretary to the Governor

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

at _____ o'clock _____ M.

~~Secretary of State~~

S.B. 1415

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 7, 2002,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Randall Hunt
President of the Senate
Charmin Bellenger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2002.

at 4:30 o'clock P M.

Santha Ramirez
Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2002,

at 4:06 o'clock P M.

Betsy Bayless
Secretary of State

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